

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Akihiko Miyamoto

P.T. O. Confirmation No. 3385

Serial Number: 10/658,744

Group Art Unit: 3743

Filed: September 10, 2003

Examiner: Andrea M. Ragonese

For: ASTHMA DRUG INHALER WITH WHISTLE

Customer No. 38834

**TRANSMITTAL OF SUBSTITUTE DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

June 23, 2004

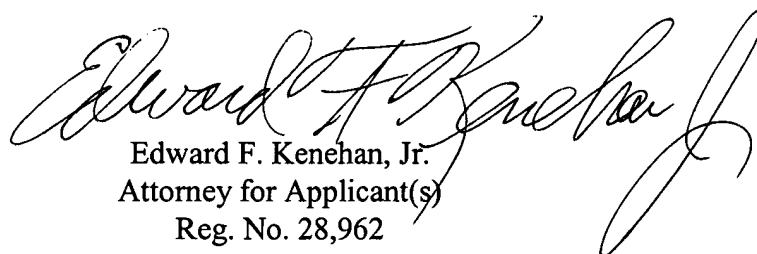
Sir:

Accompanying this transmittal is the Substitute Declaration identifying the October 22, 2002, filing date of priority application JP 2002-306451.

If any fees are required in connection with this submission, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

  
Edward F. Kenehan, Jr.  
Attorney for Applicant(s)  
Reg. No. 28,962

1250 Connecticut Avenue, N.W. Suite 700  
Washington, D. C. 20036  
202-822-1100 (t)  
202-822-1111 (f)

**DECLARATION FOR U.S. PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ASTHMA DRUG INHALER WITH WHISTLE**

to specification of which is attached hereto unless the following is checked

☒ was filed on **September 10, 2003** as United States Application Number \_\_\_\_\_ and was filed on \_\_\_\_\_ as PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) – (d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application for which priority is claimed.

(List prior foreign applications. See note A)

**2002-306451**  
(Number)

**Japan**  
(Country)

**10/22/2002**  
(Day/Month/Year Filed)

☒ Yes ☐ No

**2003-121760**  
(Number)

**Japan**  
(Country)

**25/04/2003**  
(Day/Month/Year Filed)

☒ Yes ☐ No

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐ Yes ☐ No

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐ Yes ☐ No

(See note B) ☐ See attached list for additional prior foreign applications

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(List prior U.S. Applications)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

**Status**  
☐ Patented ☐ Pending ☐ Abandoned

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

☐ Patented ☐ Pending ☐ Abandoned

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

☐ Patented ☐ Pending ☐ Abandoned

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

☐ Patented ☐ Pending ☐ Abandoned



## NOTES

- A. Please list all foreign applications relating to the invention and check block "yes" or "no".
- B. If more than 4 prior foreign applications, please check this box and attach a sheet listing the remaining prior foreign applications.
- C. For residence in the U.S., indicate city and state, for residence outside the U.S., indicate city and country. The "Post Office Address" must be an address acceptable by a Post Office for delivery of mail.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**Customer Number: 38834**

Please direct all communications to the following address:

Westerman, Hattori, Daniels & Adrian, LLP  
1250 Connecticut Avenue, N.W., Suite 700, Washington, D.C. 20036

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(See note C)

Full name of sole or first inventor (given name, family name)	<u>Akihiko MIYAMOTO</u>
Inventor's signature	<u><i>Akihiko Miyamoto</i></u>
Residence	<u>Ibaraki, Japan</u>
Post Office Address	<u>229-1, Furushiro, Makabemachi, Makabegun 300-4407,</u> <u>IBARAKI, JAPAN</u>

Date	<u>20th May 2004</u>
Citizenship	<u>Japanese</u>

Full name of second inventor (given name, family name)	_____
Inventor's signature	_____
Residence	_____
Post Office Address	_____

Date	_____
Citizenship	_____

Full name of third inventor (given name, family name)	_____
Inventor's signature	_____
Residence	_____
Post Office Address	_____

Date	_____
Citizenship	_____

Full name of fourth inventor (given name, family name)	_____
Inventor's signature	_____
Residence	_____
Post Office Address	_____

Date	_____
Citizenship	_____

Full name of fifth inventor (given name, family name)	_____
Inventor's signature	_____
Residence	_____
Post Office Address	_____

Date	_____
Citizenship	_____

Full name of sixth inventor (given name, family name)	_____
Inventor's signature	_____
Residence	_____
Post Office Address	_____

Date	_____
Citizenship	_____